ices on the same basis as others, and equality is assured. *Shrader* v. *Steubenville Co., supra; State* v. *U. Pac., supra.* But in the principal case, the court holds that where there is a reservation of a portion of the subject-matter by the party seeking to compel service, the result is otherwise, and that the effect of the arrangement in that case was to reserve such an interest to the lessor. Had the agreement been to render the same class of service to the defendant as to the rest of the public, the agreement would have been invalid. The gas supplied to the owner of the fee, however, never reached the public mains, and remained private property. The theory seems to be that having the right to retain the whole, the lessor may retain an undivided interest in such part as he chooses. The illustration suggested by the court is not a happy one. It is that of a lessor of a farm, reserving a portion of the crop, and his tenant. True, no one would deny the right of the lessor to the reserved crops. Neither could anyone complain if the agreement was that the tenant pay a rental and sell a portion of the produce to the lessor at a low price. The analogy is obviously defective.

REWARDS—RIGHT OF A SHERIFF MAKING ARREST TO CLAIM REWARD.—A murder had been committed in M county. The sheriff of that county gave information to the sheriff of B county which enabled the latter to find and arrest the murderer. There was an equitable proceeding to determine how an offered reward should be distributed. *Held,* since the sheriff of M county was armed with a warrant, he was charged with the official duty of doing all in his power to secure the arrest of the accused and could not, therefore, take a reward; but the sheriff of B county, having no warrant requiring him to apprehend a person charged with a crime in another jurisdiction, was consequently under no official obligation to arrest or detain the suspect and could take a reward. *Maggi* v. *Cassidy,* (Ia., 1921) 181 N. W. 27.

Due to the public policy involved the well settled general rule is that an officer cannot receive or recover a reward for doing an act which it is his official duty to perform. *Marking* v. *Needy and Hatch,* 71 Ky. (8 Bush.) 22. The principal case applies this rule. The courts are apparently much influenced by the fact that, generally speaking, a sheriff's authority and duty to act officially, either within or without his jurisdiction, depend on the writ or warrant with which he is armed. *Marsh* v. *Wells Fargo & Co. Express,* 88 Kan. 538. Since some jurisdictions hold that the powers, duties, and compensation of sheriffs shall be entirely statutory, (*McArthur* v. *Boynton,* 19 Colo. App. 234; *Benson* v. *Smith,* 42 Me. 414), reference must be had in a particular case to the statute in force to find out whether the officer who claims the reward was under an official duty to act as he did. Of course aside from the question of public policy involved, the whole matter rests in last analysis on the unquestioned principle of contract law that merely performing one's official duty does not constitute sufficient consideration for a promise. *Worthen* v. *Thompson,* 54 Ark. 151.

TRESPASS—LICENSE—DUTY OF METER READER TO KNOCK BEFORE ENTERING DWELLING.—D Co. furnished electricity to P under a contract which pro-

vided that D and its agents should have free access to the meters and service for purposes of examination. X, an employee of D, entered P's house without rapping and without announcing his presence for the purpose of reading the meter, and seriously frightened P who was unaware of his entry. *Held,* D, was liable for injury to inmate through fright. *Mollinaux* v. *Union Electric Co.,* (Mo., 1921) 227 S. W. 265.

While the court conceded that the agents of D under the terms of the contract had a license, the liability of D was predicated on its abuse by D's agents, since ordinary prudence and a wholesome regard for the sanctity of the home requires that no entrance be made without announcing one's presence. In *Hitchcock* v. *Hudson Gas Co.,* 71 N. J. L. 565, D's agent having been refused admittance to remove a meter, subsequently returned and broke into P's home, and it was held that D was not liable since he acted under a license. But in *Reed* v. *New York Gas Co.,* 87 N. Y. S. 810, D was held liable for breaking into P's cellar in order to remove the meter on the ground that, as in the principal case, an abuse of a license renders one a trespasser *ab initio;* but the case may be distinguished from the New Jersey decision on the ground that it does not appear from the report that the agent had previously requested admittance. As to whether damages should be recoverable when resulting from fright, in an analagous case a trespassing meter reader was held to render his master liable for damages resulting from mental anguish. *Bouillion* v. *Laclede Gas Co.,* 148 Mo. App. 462. It would seem that where the cause of the mental suffering is the trespass on P's property, recovery should be allowed. *Watson* v. *Dilts,* 116 Ia. 249; 17 MICH. L. REV. 407; 34 HARV. L. REV. 280.

TRIAL—INSTRUCTION TO FIND THE DEFENDANT GUILTY IN A CRIMINAL CASE.—The defendant was indicted for selling liquor contrary to the local option law. The evidence for the state was uncontradicted and the judge instructed the jury that it was their duty to find the defendant guilty. *Held,* no error. *People* v. *Berridge* (1921), 212 Mich. 577.

It is generally held to be error to direct a verdict of guilty in a criminal case under any circumstances. *Lucas* v. *Commonwealth,* 118 Ky. 818; *Perkins* v. *State,* 50 Ala. 154. And there are but few recognized exceptions to this rule. In Michigan a long line of decisions has established the right of the court to instruct the jury to return a verdict of guilty in cases where no question of intent is involved. *People* v. *Neumann,* 85 Mich. 98 (selling liquor to a minor); *People* v. *Elmer,* 109 Mich. 493 (disorderly conduct). But the judge cannot discharge the jury and enter a verdict of guilty, nor can he coerce the jury into returning such a verdict. *People* v. *Warren,* 122 Mich. 504. Arkansas allows the direction of a verdict of guilty where the offense is a mere misdemeanor punishable by fine. *Stelle* v. *State,* 77 Ark. 441. As to the rule in the United States courts, see 19 MICH. L. REV. 325.

TRIAL—QUOTIENT VERDICT.—Amount that each juror thought the plaintiff should recover was set down and these then added and the average found. After a motion made by one juror to make it even money, leaving off $83 and